IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1304 OF 2003

DR. M. VENKATESHWARLU PETITIONER

Versus

UNION OF INDIA & ORS. RESPONDENTS

Mr. Saikumar Ram Murthy for petitioner

Mr. Suresh Kumar for R

CORAM:-SMT. RANJANA DESAI &

A. S. OKA, JJ.

DATED:- 14/12/2005

P.C.

. In this writ petition, the petitioner has challenged the order dated 3/10/02 passed by the Central Administrative Tribunal, Mumbai Bench, Mumbai in O.A. No. 337/01.

2. It appears that the petitioner had filed original application under Section 19 of the Administrative Tribunal's Act 1985 praying for the quashing and setting aside of the letter dated

20/5/99 with a direction to the respondents to alter the recorded date of birth in the service record from 15/7/1947 to 2/11/1948. Perusal of the impugned order indicates that the application has been dismissed only on the ground of delay. Miscellaneous petition filed by the applicant for condonation of delay has been rejected.

3. In the circumstances, of the case, in our opinion, interest of justice will be served if the petitioner is saddled with heavy costs and the matter is remanded for disposal in accordance with law after condoning the delay. Hence we pass the following order:

a) Order dated 3/10/02 is quashed and set aside.

b) Misc. Petition No. 431/01 for condonation of delay is allowed on the condition that the petitioner pays costs quantified at Rs.10,000/- to respondent 1. Payment of costs will be condition precedent for hearing of the Original application. Costs be paid within a period of four weeks from today.

c) Needless to say that the Tribunal will dispose

of the original application afresh after hearing the parties on merits. This court has not expressed any opinion on merits.

d) Petition is disposed of in the aforestated terms.

(SMT. RANJANA DESAI, J.)

(A. S. OKA, J.)